

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, MAY 19, 2021, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Carey, Cummings, Matthews, Miller, Prafke

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Murray; City Clerk Smith

Mayor Matthews called the meeting to order at 9:00 a.m.

Invocation was given by Mr. Carlo Gargiulo, followed by the Pledge of Allegiance.

Mayor Matthews called for citizens comments.

Mr. Bill Dryburgh, Board of Realtors, stated an impasse had been reached regarding open house signs. He suggested use of a content-neutral sign which only depicted a hibiscus, stressing the industry needed the signs and were willing to work with City Council.

City Attorney Levin inquired if the sign would be placed in the City's rights-of-way (ROW).

Mr. Dryburgh replied affirmatively; however, realtors could work with private property owners to use their property.

City Attorney Levin stated the code, as proposed, would allow placement of the sign on an individual's property; therefore, there was no need to change the proposed draft.

Mr. Sam Sanders stated he was in favor of Mr. Dryburgh's suggestion, opining there were still realtors who were unaware of the rules.

City Manager Murray read public comments received via email into the record: Ms. Kathy and Mr. Tom Fixmer requested no increase to the size or number of signs allowed; Ms. Kenley George opined the proposed sign code restricted free speech; Ms. Julie McGillivray objected to modification of the sign code; Mr. Robert and Ms. Debbie Troise requested to maintain the current sign code; Ms. Nancy McClary opposed the proposed sign code.

PROCLAMATIONS/PRESENTATIONS

Mayor Matthews acknowledged the previous week was Police Appreciation Week, thanking members of the Police Department.

Healing Field of Honor Weekend

Mayor Matthews presented the proclamation, which was accepted by Ms. Alyson Burch, Punta Gorda Rotary Club.

National Safe Boating Week - Read Only

Councilmember Miller read the proclamation.

City Manager Murray spoke regarding City Council's support of safe boating, noting a program to support same would be discussed in the near future.

Ceremonial Presentation

Ms. C. J. Metcalfe recalled former City Manager Howard Kunik had presented the new City Manager with a key to the City. She explained she had taken possession of the key so that she and her husband could refurbish it, stating they wished to present same to City Manager Murray. She acknowledged Frames by Fred had estimated the worth of the frame to be \$1,800, noting the key had been layered with 18-karat and 23-karat gold and then sealed.

Introduction of Board/Committee Member Nominees

None.

Mayor Matthews confirmed members were amenable to moving up Item V.B., Request for Extension of Special Exception Approval for SE-01-19.

NOTE: Public Hearings were heard following Extension of Special Exception Approval for SE- 01- 19.

PUBLIC HEARINGS

ZA- 01- 2021 An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Article 11, "Sign Standards," Punta Gorda Code; rewriting and reorganizing the same in its entirety; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, reviewed the history of discussions regarding the sign code which included input from the public and the Planning Commission, noting the proposed sign code regulations were content neutral and non-discriminatory, provided consistency and promoted public health, safety and welfare. She stated the proposed code was simplified and definitions had been updated for equal enforcement and clarity of regulation, noting the following changes were made based on Planning Commission and City Council comments: size of residential flags was limited to 24 square feet; setback and landscape requirements were added for ground signs; definitions and regulations for fighting words, indecent language and obscene language on signs/flags were updated. She then outlined permitted and unpermitted sign types as well as placement for residential and commercial signs, explaining the Planning Commission had recommended smaller dimensions and landscaping for

ground signs to prevent them being used as a hiding place. She offered to answer questions.

Councilmember Carey inquired whether Veterans Park and the Military Heritage Museum would be governed by commercial sign regulations.

City Attorney Levin advised existing flagpoles would be grandfathered.

Ms. Lisa Hannon stated parks were public; thus, City Council could decide what to permit. She stated the flags, displays and signs at the Military Heritage Museum were provided for within the approved Planned Development.

Councilmember Prafke confirmed the existing sign code allowed for placement of a sign celebrating an individual's birthday as an incidental sign, with three allowed per parcel.

Councilmember Miller opined adopting the proposed sign code would lead to additional questions, expressing concern the City was setting itself up for litigation.

Mayor Matthews stated abandoned signs, including real estate and campaign signs, should be removed within a certain timeframe.

Councilmember Prafke inquired if a candidate was required to remove their signs or if individual property owners who purchased or created campaign signs were responsible for same.

City Attorney Levin responded his research indicated regulation of political signs was a clear restriction of free speech; however, State Statute provided a time limitation for political signs posted by the candidate. He pointed out City Council could direct staff to amend the proposed ordinance if they so desired.

Discussion ensued regarding political signs placed by property owners, with City Attorney Levin confirming such signs could remain posted indefinitely.

Mayor Matthews inquired if political affiliation could be addressed in the definition of "fighting words".

City Attorney Levin replied political speech should not rise to the level of fighting words as same was not directed at a particular individual.

Councilmember Carey inquired how the proposed regulations would apply to a sign which included the "f" word and was visible to children on school buses.

City Attorney Levin advised if a sign with the "f" word was visible to someone under the age of 17, the City would have the ability to regulate same.

Mayor Matthews confirmed indecent language on signs or apparel could be regulated. City Attorney Levin stated indecent and obscene language as well as fighting words were covered in the proposed sign code and was supported by sufficient case law to provide the City a defense against litigation.

City Manager Murray drew members' attention to the definition of "fighting words" on line 268, noting City Attorney Levin had advised the words "political affiliation" could not be added there. He then reviewed the definitions of "indecent speech" (line 317) and "obscene" (line 359), pointing out the prohibition against signs containing obscene language/graphics, fighting words or indecent speech (lines 568-571) did not include apparel.

City Attorney Levin pointed out apparel could be included under "things" within the definition of "sign".

Mayor Matthews spoke in favor of specifically including "apparel".

City Manager Murray confirmed the prohibition against indecent or obscene language and fighting words on apparel could be enforced once same became visible from a public ROW.

Mayor Matthews suggested the American flag be exempted from size limitations.

Ms. Hannon advised a 40-foot pole could hold a 6' x 10' flag.

Mayor Matthews suggested the larger size be permitted for the American flag only.

City Attorney Levin advised there was case law directly related to discriminating between an American flag and other flags.

Councilmember Carey suggested allowing one flag per property to be a maximum size of 6' x 10'.

City Attorney Levin stated he would have no objection to same provided there was no reference to the American flag.

Consensus was to do so.

Mayor Matthews noted line 881 indicated messages could not be changed more than once in a 24-hour period, noting the Charlotte County Conference & Event Center (CCCEC) and the Visual Arts Center (VAC) each had a digital sign, questioning whether same had been grandfathered.

Ms. Hannon responded a variance was granted for the CCCEC sign; however, if the VAC sign was changed more than once per day, it was out of compliance, offering to reach out to the Executive Director.

Mayor Matthews drew members' attention to line 929, inquiring whether flags flown on a boat were included in the total number of flags allowed on a property.

City Attorney Levin replied other than the Burgee and the Ensign that were typically flown on boats, no other signs, including flags, would be permissible on a boat located on a City owned canal.

Mayor Matthews objected to same, noting boats were decorated for parades that included signage.

City Attorney Levin clarified holiday decorations were exempt.

Councilmember Cummings opined boats should be exempt.

Councilmember Prafke voiced concern signs not in compliance with the sign code could then be posted on boats.

City Attorney Levin stated he did not have a problem excluding boats.

Mayor Matthews cited an example of someone flying four flags on their boat.

City Attorney Levin remarked if the City allowed that many flags on a boat, the person without a boat would question why they could not fly the same number of flags on their property.

Councilmember Prafke suggested flags on boats not be part of the limitation on numbers.

City Attorney Levin clarified signs on boats would not be included in the calculation of the maximum number of signs for any private property; however, those signs would still be subject to all other provisions. He inquired as to signs on docks.

City Manager Murray stated docks and boatlifts were waterward of the seawall; thus, signs could be prohibited.

City Attorney Levin concurred, confirming members were amenable to same.

City Manager Murray summarized the items discussed.

Mayor Matthews called for public comment.

Mr. Dryburgh stressed the City had a good sign ordinance that just needed to be tweaked. He stated according to the National Association of Realtors, other cities were not prohibiting "open house" signs, asserting no other cities were moving to a content neutral sign code.

Mr. Ken Rollin stated the sign code needed strict enforcement and deterrents to future violations.

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings questioned the implications of the new code on open house signs.

Ms. Hannon replied the revised code was content neutral, noting it was possible to post an open house sign on private property with the owner's permission; however, it would count towards the total number of signs on the property. She pointed out the sign must be ten feet back from the edge of the pavement.

Councilmember Cummings inquired if realtors were allowed to have directional signs in the ROW.

Ms. Hannon replied in the negative.

Councilmember Prafke **MOVED** approval of ZA-01-2021 as amended, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 11:18 a.m.

QUASI- JUDICIAL PUBLIC HEARINGS

City Attorney Levin swore in the participants.

AX- 01- 2021 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the municipal limits of Punta Gorda, 16.8+/- acres of city- owned property located in Charlotte County, Florida, commonly known as the city of Punta Gorda Public Works & Utilities Campus, and addressed as 3130 & 3132 Cooper Street, as more particularly described in Exhibit "A", in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said city in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, noting the annexation was for the City's Public Works and Utilities campus located at 3130 and 3132 Cooper Street. She stated the annexation contributed to contiguous growth and strengthened the municipality, noting same did not create an enclave. She stated the request was consistent with the Comprehensive Plan 2040 elements, articulating the applicable objectives and policies. She reported the application was in order, adding statutory requirements had been met. She stated the property was within the City's utility service area, noting the request required a large-scale Comprehensive Plan and rezoning amendment, which were running concurrently, and which supported the City's strategic plan. She concluded staff and the Planning Commission recommended approval.

Mayor Matthews called three times for public comment.

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of AX-01-2021, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CP- 01- 2021 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the future land use map to reflect the change in the current designations of Low Intensity Industrial/County (LII/County) to Public/City (P/City) for 16.8 + acres, being a portion of land lying in Charlotte County, Florida, being all of Block C, all of Tracts C and D, portions of Blocks A, B, D, E, F, H, & I, and portions of Tracts B and E, all in Coral Ridge Unit No. 2, according to the plat thereof, recorded in Plat Book 5, Page 36, of the Public Records of Charlotte County, Florida, and said parcel also being a portion of those lands encompassed by Resolution No. 89- 16PV, a resolution to vacate a portion of Coral Ridge Unit No. 2 as recorded in Official Records Book 1046, Page 276, of the Public Records of Charlotte County, Florida, and all of Cooper Street Commerce Park, a condominium, according to the Declaration of Condominium thereof, as recorded in the Official Records Book 3231, Page 1963, and subsequent amendments thereto, of the Public Records of Charlotte County, Florida, all being more particularly described in the boundary survey attached hereto, and addressed as 3130 & 3132 Cooper Street; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, noting this was the companion amendment to the annexation referenced as AX-01-2021, which precipitated the need for an amendment to the Comprehensive Plan. She stated the amendment would change the future land use from County/low intensity industrial to City/public and would apply all of the provisions of the City's Comprehensive Plan. She stated the buildings were existing and no new development was proposed. She stated the amendment request was consistent with the Comprehensive Plan, reviewing the applicable objectives and policies. She stated most concurrency requirements were not applicable as the request was for existing developed commercial properties, reporting it was served by potable water and waste water, solid waste collection was provided by the City and the County's landfill facility had sufficient capacity through the 2030 planning horizon. She stated the application was in order, noting a rezoning application was required and was running concurrently with the Comprehensive Plan amendment request. She

concluded staff and the Planning Commission had approved the proposed ordinance, requesting City Council's approval of the proposed ordinance as well as transmittal of the petition to the Department of Economic Opportunity and related reviewing agencies.

Mayor Matthews called three times for public comment.

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of CP-01-2021 with transmittal to the Department of Economic Opportunity and related reviewing agencies, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Z- 01- 2021 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 16.8 + acres, being a portion of land lying in Charlotte County, Florida, being all of Block C, all of Tracts C & D, portions of Blocks A, B, D, E, F, H, & I, and portions of Tracts B & E, all in Coral Ridge Unit No. 2, according to the plat thereof, recorded in Plat Book 5, Page 36, of the Public Records of Charlotte County, Florida, and said parcel also being a portion of those lands encompassed by Resolution No. 89- 16PV, a resolution to vacate a portion of Coral Ridge Unit No. 2 as recorded in Official Records Book 1046, Page 276, of the Public Records of Charlotte County, Florida, and all of Cooper Street Commerce Park, a condominium, according to the Declaration of Condominium thereof, as recorded in the Official Records Book 3231, Page 1963, and subsequent amendments thereto, of the Public Records of Charlotte County, Florida, all being more particularly described in the boundary survey attached hereto, and addressed as 3130 & 3132 Cooper Street, from its current Charlotte County zoning classification of Industrial General/County (IG/County) to Public/City (P/City); providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, noting this was the companion rezoning to the annexation and Comprehensive Plan amendment previously heard. She reviewed the concurrency requirements, noted it was consistent with the Comprehensive Plan and identified the specific objectives and policies related to same. She reviewed staff's conclusions,

stating staff and the Planning Commission recommended approval of the proposed ordinance.

Mayor Matthews called three times for public comment.

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of Z-01-2021, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

(No Public Hearing Required)

A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing submission of a Florida Department of State, special category grant-in-aid assistance for historic preservation project Matching Grant application; and authorizing execution of the application and grant agreement by the City Manager or his designee; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Julie Ryan, Senior Project Manager, explained as per City Council direction, staff was applying for a special category grant, noting same required formal adoption of a resolution stating the City understood it was a 50/50 matching grant and had the required minimum of 25% cash on hand. She reported the City had allocated \$240,000 to the project and was preparing to sign the contract documents. She concluded if the City's application for up to \$500,000 was successful, it would be awarded in July 2022. Councilmember Cummings **MOVED** approval of the resolution, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Prafke thanked the Boat Club for their follow up and commended the Punta Gorda Historic Mural Society (Mural Society) for the beauty of the proposed mural.

Mayor Matthews pulled Item D.1.

Councilmember Prafke **MOVED** approval of the remainder of the Consent Agenda, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

ITEM # D.1.: **Mayor Matthews** questioned if the wall behind the panels would be painted a solid color.

Councilmember Carey replied the wall would be painted and sealed; however, the Mural Society chose not to paint the mural over the wall again due to water seepage.

Mayor Matthews inquired if the metal panels would become pitted.

Councilmember Carey replied in the negative, noting the aluminum panels, which would be covered with mural cloth and then sealed, could withstand the elements.

Councilmember Cummings **MOVED** approval of Item #D.1., **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of May 5, 2021
- B. City Manager's Department
 - 1. A Resolution of the City of Punta Gorda, Florida to authorize the City Manager to apply for the FL 1094 Competitive Florida Partnership Grant- FY2022
- C. Legal Department
 - 1. Monthly Litigation Report
 - 2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered in April 2021
 - 3. Invoice of Persson, Cohen & Mooney, P.A. for legal services rendered in April 2021
- D. Urban Design Division
 - 1. Mural Replacement - Captivating Charlotte County
- E. Police Department
 - 1. A Resolution of the City of Punta Gorda, Florida, accepting a subgrant award from the Florida Department of Law Enforcement under the Edward Byrne Memorial Justice Grant (JAG) Program for the PGPD Patrol Technology Project, (CONTRACT NO. 2020-DJ-BX-0404); authorizing the Mayor to execute the Certificate of Acceptance; and providing an effective date.

BUDGET

Award of Specific Authorization #3 to Parker/Mudgett/Smith Architects, Inc. for professional architectural services for improvements to the A. C. Freeman House.

Ms. Anne Heinen, Procurement Manager, explained Specific Authorization #3 to the Master Agreement for professional architectural services for historic preservation of City facilities included evaluation, design, construction documents, and bidding assistance for improvements to bring the A. C. Freeman House building to current business occupancy standards as they applied to buildings on the National Register of Historic Places. She stated services would include mechanical, electrical, plumbing, fire protection and structural engineering. She noted the cost was \$102,893 with

completion estimated to be approximately ten months from the issuance of a notice to proceed, concluding staff recommended approval.

Mayor Matthews inquired as to a timeline.

Ms. Ryan replied if the grant was awarded by 2022, construction could begin shortly thereafter.

Mayor Matthews questioned what was being done to preserve the building from further deterioration.

City Manager Murray responded the City had taken numerous measures to secure the envelope of the building, noting it was air conditioned to prohibit mold growth.

Councilmember Prafke **MOVED** approval of Specific Authorization #3 to Parker/Mudgett/Smith Architects, Inc., **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Approval of the City's Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2020

Ms. Kristin Simeone, Finance Director, introduced Mr. Tony Smith of Ashley, Brown & Smith, the City's auditors. She stated the auditor had given the City a clean opinion on the audit report, adding there was one comment related to grant internal controls which related to failure of the vendor to provide required documentation at the time of final payment; therefore, staff would require vendors to submit documentation on a monthly basis going forward. She stated the City's net position had increased \$14.1 million, with governmental funds increasing \$5.6 million and the unrestricted net position had a deficit balance of \$2.2 million, which was an improvement over the prior year. She stated business-type activities increased \$8.5 million, offering to answer questions.

Councilmember Prafke noted a change was needed to the list of Councilmembers on page 2 as Councilmember Miller was on City Council at the time.

Councilmember Carey confirmed the City was not currently using the vendor which had failed to provide required documentation.

Councilmember Cummings **MOVED** approval of the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2020, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Award of a Multiple Contractor Agreement for Citywide Concrete Construction Services

Ms. Julie Rogan-Sutter, Procurement, explained the previous agreement for Citywide concrete construction services was canceled on August 26, 2019, due to contractor

default, noting the City temporary piggybacked a Charlotte County contract while staff reviewed and revised the scope of work. She explained formal bids were solicited with the intent to make an award to multiple vendors for services. She noted the previous annual expenditure for same had been approximately \$175,000; however, based on the revised schedule and the addition of supplemental items, the potential annual expenditure could be \$496,280 if all line items with estimated quantities were required. She pointed out this was a term contract with purchases made as required using previously budgeted funds. She concluded staff recommended award of the Agreement to Mailloux and Sons, Inc., of Palmetto, Florida, ERS Construction of Punta Gorda, Florida, and Don B Construction of Punta Gorda, Florida as being the lowest and most responsible bidders.

Mayor Matthews inquired which fund would be used, questioning if the City was adequately prepared for the costs.

Ms. Rogan-Sutter replied departments would use funds already budgeted, noting although supplemental items were included, the contract would likely only be used a couple of times per year. She stated the contract might be evaluated differently in the future to better estimate potential expenditures.

Ms. Heinen clarified funds were budgeted for each department within the General Fund each year, explaining \$496,280 was the maximum potential cost; however, actual costs would be governed by actual projects and departmental budgets. She confirmed these vendors would perform the work for the 1% Sales Tax Fund sidewalk projects.

Councilmember Prafke **MOVED** approval of award of the Agreement to multiple vendors as recommended by staff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Complete Street Improvements for E. Virginia Ave. from US 41 North to Nesbit - Project Update and Discussion

Mr. Mitchell Austin, Principal Planner, explained there were four properties adjacent to the East Virginia Avenue project including Florida Power and Light (FPL), the former U-Save site, the IceHouse building and the Cedar Point offices. He stated the intent of the original project was to provide pedestrian facilities on both sides of the ROW along with lighting and on-street parking to improve safety in the area. He reviewed the options previously presented, including those provided by the consulting engineer. He stated based on information from the adjacent property owners, staff had developed Option C1, as delineated in the agenda material, which required an easement from FPL to accommodate parking spaces. He reviewed stakeholder discussions related to the

proposed option, noting FPL was unwilling to entertain the City's permanent easement request for the proposed street improvements; however, they had agreed to a temporary easement agreement. He indicated staff could not recommend entering into such a temporary easement agreement, noting same could be cancelled at any time and the City could be forced to remove the improvements within a short time frame, which could be very costly due to the level of improvements that would be located in that area. He stated staff was requesting City Council input on whether to delete the project from the 1% Sales Tax list or to move forward with the project using a concept design completely within the City's ROW.

Councilmember Prafke spoke in favor of addressing parking on the street, suggesting proceeding with the north side of the street and the south side up to where the FPL property began.

Mayor Matthews agreed, suggesting the front of the FPL property be left unpaved with unofficial parking marked by cement car stops.

City Attorney Levin advised car stops on the FPL property would require an easement.

Councilmember Carey suggested Punta Gorda in Bloom could be asked to create planters or add trees at appropriate locations along the FPL property to improve its appearance.

Mayor Matthews inquired as to the individual requesting compensation for an easement agreement.

Mr. Austin replied the former U-Save property's representative indicated compensation would be necessary for the easement; however, due to the configuration of the power lines, the City could not benefit from same. He clarified all of the parking spaces depicted in the graphic were in the ROW.

Mayor Matthews stated given that information, Councilmember Prafke's suggestion made sense.

Councilmembers Carey and **Miller** concurred.

Councilmember Cummings suggested moving forward with staff's recommendation in Option 2 as identified on the final presentation slide.

Councilmember Prafke clarified there would be no curbing along the FPL property.

Mr. Austin stated Option 2 was a complete redo of the entire City-controlled, 66-foot ROW, which would conceptually include parallel parking and sidewalk on that side to finish the edge. He stated if Council desired to eliminate a portion of the improvements, staff required clear direction.

Councilmember Prafke stated she proposed to do everything as planned except to eliminate any improvements on the FPL property.

Councilmember Prafke **MOVED** approval of Option 2 minus any improvements on the FPL property, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NOTE: Request for extension of special exception approval for SE- 01- 19 was heard following Introduction of Board/Committee Member Nominees.

Request for extension of special exception approval for SE- 01- 19 at 751 W. Retta Esplanade

City Attorney Levin explained City Council action on an extension request was a discretionary act and thus did not require a public hearing.

Ms. Hannon reported staff had received an estimated timeline from the applicant to supplement the request for extension of the Special Exception approval, as requested by City Council at their April 21, 2021 meeting, noting the applicant had amended the request to extend the Special Exception approval for one year rather than three years.

Councilmember Prafke asked to hear from the individual responsible for management of the resort, voicing concern regarding the condition of the property.

Ms. Brittany Williamson, explained some of the repairs could not be completed as it was the middle of season; however, the cottage house had been completely renovated, a meeting was held with the Fire Marshal on May 7, 2021, regarding the fire system, and landscaping was slated for summer 2021. She added installation of Hardie board siding and painting of the property at 900 West Marion Avenue was slated for summer 2021, noting windows and doors had been installed.

Councilmember Prafke stated the timeline provided by Ms. Patti Allen, Fishermen's Village, was not a project plan.

Ms. Williamson stated the timeframe provided allowed for fire alarm system improvements to be completed between June 2021 and August 2021, with landscaping improvements and State requirements to be addressed between July 2021 and September 2021. She indicated bathroom renovations would occur between July 2021 and October 2021, anticipating interviews for personnel to operate the bed and breakfast would take place between October 2021 and December 2021.

Councilmember Prafke confirmed if the applicant applied for a permit, no extension of the special exception would be required.

Ms. Williamson stated a permit would be pulled for the fire alarm system, but the interior renovations had not required a permit.

Mayor Matthews agreed with Councilmember Prafke's concerns regarding the lack of maintenance of the property, noting other properties on the street were well kept.

Ms. Williamson agreed, opining COVID-19 and the interior renovations had delayed work on the exterior. She indicated the exterior had been pressure washed and the pool deck had been repaired, reiterating the exterior work Council desired was scheduled for this summer.

Mayor Matthews voiced approval for a one-year extension provided the bed and breakfast was operating at the end of that time.

Councilmember Prafke suggested the problem was a project management issue.

Councilmember Cummings pointed out the City was preempted from regulating short-term rentals; thus, the bed and breakfast use was better for the City and neighborhood. He recalled the property had been under litigation at beginning of the process, opining the request for an extension was reasonable, particularly as the outcome would be good for the City.

Councilmember Carey commented the outside could have been maintained while work was completed on the interior.

Ms. Williamson voiced understanding, noting she had been brought on to oversee this project subsequent to City Council's May 7, 2021, meeting.

Councilmember Carey **MOVED** approval of the request for an extension for one year, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin stated the special exception would not expire once a permit application was received, indicating an ordinance amendment would be required if City Council desired to change same.

Councilmember Prafke requested City Council be kept apprised of the project.

Ms. Williamson agreed.

City Attorney Levin pointed out the property could be addressed through code enforcement if it was not maintained.

Councilmember Prafke expressed desire to discuss changing Punta Gorda Code so that applying for a permit would not prevent expiration of a special exception.

Councilmember Cummings spoke against doing so, pointing to rising construction costs and uncertainty.

Councilmember Carey stated she did not think the ordinance needed to be amended, suggesting staff could better spend their time as there were large projects underway.

Councilmember Miller concurred.

City Attorney Levin advised if the permit was pulled but never completed and the occupancy for the bed and breakfast use was contingent upon same, there was a Code

provision related to abandonment of the use which would allow the special exception to expire.

NEW BUSINESS

None.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Event Permits

City Manager Murray recalled the City had required a social distancing plan for each Event Permit, questioning if City Council desired same be removed given the lifting of many restrictions related to COVID-19.

Mayor Matthews opined the City had no choice but to remove that requirement due to the governor's actions, questioning whether the requirement for a mask to be worn should be removed, even in City facilities.

Councilmembers Prafke stated she believed it was time to remove the requirement for masks.

Consensus of Council was to do so effective immediately.

City Manager Murray confirmed same was effective immediately for event permits.

Councilmember Prafke clarified the City would no longer post signs on the doors requiring masks; however, signage could indicate masks were preferred.

City Manager Murray agreed.

Councilmember Carey pointed out private business could continue to require masks.

Councilmember Prafke stated City staff could choose whether to wear a mask.

CITY ATTORNEY

City Attorney Levin announced the State had preempted the City's ability to regulate gas pump security requirements; therefore, staff would not return with an ordinance to provide for stricter gas pump security measures. He clarified the City's current ordinance was consistent with State law, adding the ordinance could not be made more stringent. He then noted his wife was comforting a friend hospitalized with COVID-19, speaking in favor of individuals becoming vaccinated.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate (2)

Code Enforcement Board - Alternate

Burnt Store Isles Canal Advisory Committee

General Employee's Pension Board - 5th Member

Building Board (1 contractor and 1 consumer advocate)

Code Enforcement Board

City Clerk Smith announced the vacancies.

Nominations

None.

Appointments

None.

POLICY AND LEGISLATION

MATTHEWS: Reported she sent a letter to the Florida Department of Transportation (FDOT) expressing her opinion regarding the proposed closure of the medians at the intersection of US 41 and Acline Road and the intersection of US 41 and Rio Villa Drive. She stated her suggestion was to reinstall the traffic light at the intersection of US 41 and Acline Road, noting she had expressed concern closure of the intersection at Rio Villa drive would redirect semi-tractor-trailer vehicles to Aqui Esta Drive, which was already congested. She stated she had also requested FDOT to consider extending the left turn lane northbound to turn onto Aqui Esta Drive.

- Thanked staff and the City Attorney for their work on the sign ordinance.

CAREY: Stated the civic association would be distributing the City's Waterfront Property Owner's Guide to new members, adding she would speak to realtors about distributing the pamphlets to new homeowners.

PRAFKE: Announced she had sent a letter to FDOT regarding the solution for Diplomat Parkway at Madrid Boulevard, indicating she would share same with Councilmembers.

CITIZENS COMMENTS

None.

The meeting was adjourned at 12:40 p.m.

Mayor

City Clerk